

In re Application of:  
Krall et al.  
Application No.: 09/823,775  
Filed: March 30, 2001  
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PATENT  
Attorney Docket No.: PROV1100-2

## **REMARKS**

### **Regarding the Interview**

As stated in the Office Action, an agreement was reached during a telephone conversation on December 1, 2003 between Examiner Pak and Applicant's representative, Attorney Lisa Haile, to delete the term "sterilized" from claim 3, line 3, and replace it with the term "stabilized." An agreement was reached that this change would place the claims in condition for allowance.

### **Formalities**

#### **1. References**

The Office Action states that all references cited in the parent application must be cited again in the instant application. Upon entry of the present amendment, the references cited in the parent will also be cited in this reissue patent. Therefore, withdrawal of this rejection is respectfully requested.

#### **2. Amendments (CFR 1.173)**

Upon entry of the present amendment, claims 1 to 5 will be pending. Claims 6 to 22 have been canceled, without prejudice.

It is also stated that all amendments must conform to 37 CFR § 1.173. For example, markings should be shown based on the original patent claims; parenthetical information should be used; claim numbering should be preserved, and a discussion of the status of claims should be included. Please see the complete listing of claims above. The above complete listing of the claims lists each claim,

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its status with respect to the originally filed claim, and markups showing changes made from the original claims. Therefore, withdrawal of this rejection is respectfully requested.

### **3. Supplemental Declaration**

It is further stated in the Office Action that a supplemental declaration pursuant to MPEP 1414.01 and 1415 is required, since amendments made after the original declaration have not been addressed in a reissue declaration.

Applicants respectfully submit that every error in the patent that was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

In addition, see attached supplemental declarations signed by each Applicant. Therefore, withdrawal of this rejection is respectfully requested.

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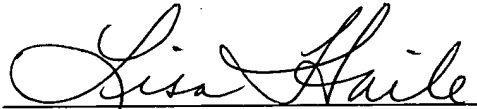
### CONCLUSION

It is respectfully submitted that all issues raised in this and all prior office actions have been addressed. The amendments do not require a new search or raise new issues for consideration because they merely address issues of formality raised by the Examiner. It is submitted that the amendments place claims 1 to 5 in condition for allowance. Therefore, entry of the amendment and allowance of claims 1 to 5 is respectfully requested.

A check in the total amount of \$235.00 is enclosed as payment for the fee to file the Information Disclosure Statement (\$180.00) and one month extension of time fee (\$55.00). If any additional fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: May 7, 2004



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**Attachments: Declaration from Inventors, Robert E. Krall, Charles WS. Kerber and  
Kimberly Knox**